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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,744	12/10/2003	Michael T. McKibben	LEADP102USA	6665

7590 06/03/2005

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EXAMINER

MIZRAHI, DIANE D

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/732,744

Applicant(s)

MCKIBBEN ET AL.

Examiner

DIANE D. MIZRAHI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10-25-04; 1-19-05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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III. DETAILED ACTION

Claims 1-44 are presented for examination.

Specification

The disclosure is objected to because of the following informalities: Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. as follows: there is missing information such as application number and filing date for the following (see specification) for example page 1, lines 5-12. The specification should be completely checked for missing information and corrected. Appropriate action is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Examiner is unclear as to what Applicant meant by "substantially" (claim 5, line 2) and "webslice" (claim 37, line 2). For purposes of examination, Examiner will interpret "webslice" as the web. Clarification is required.

Claim Rejections - 35 USC 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-6, 8-11, 13-15, 17-31, 36-39, and 41 are rejected under 35 U.S.C. 101 because the claims are directed to a non-statutory subject matter, specifically, directed towards an abstract idea.

The Supreme Court has repeatedly held that abstractions are not patentable. "An idea of itself is not patentable". Rubber-Tip Pencil Co. V. Howard, 20 Wall. 498, 07. Phenomena of nature, though just discovered, mental processes, abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work Gottschalk v. Benson, 175 USPQ 673, 675 (S Ct 1972). It is a common place that laws of nature, physical phenomena, and abstract ideas are not

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patentable subject matter Parker v. Flook, 197 USPQ 193, 201 (S Ct 1978). A process that consists solely of the manipulation of an abstract idea is not concrete or tangible. See *In re Warmerdam*, 33 F.3d 1354, 1360, 31 USPQ2d 1754, 1759 (Fed. Cir. 1994). See also *Schrader*, 22 F.3d at 295, 30 USPQ2d at 1459.

Claims 1-6, 8-11, 13-15, 17-31, 36-39, and 41 represent an abstract idea that do not provide a practical application in the technological arts. There is no manipulation of data nor is there any transformation of data from one state to another state being performed in "A system that facilitates the management of data" and "A method that facilitates the management of data". Actually, no post-computer process activity is found in the technological arts. "A system that facilitates the management of data" and "A method that facilitates the management of data" is not a physical transformation. Thus, no physical transformation is performed, no practical application is found. Also, the claims do not appear to correspond to a specific machine or manufacture disclosed within the specification and thus encompass any product of the class configured in any manner to perform the underlying process. Consequently, the claims are analyzed based upon the underlying process, and are thus rejected as being directed.

Examiner's Remarks

Examiner requires that Applicant include "a computer-implemented..." in Applicant's preamble of the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Samuel J. McKelvie et al. (Pub. No. 2003/0217096 A1 and McKelvie hereinafter).

Regarding Claims 1 and 26, McKelvie teaches system that facilitates the management of data [0037], comprising a unified horizontal data management tool for at least many-to-many

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functionality [0101], the tool facilitating data communications [0031], data organization, data processing, and data storage [0101].

Regarding Claim 2., McKelvie teaches data management system structures data according to a user who generated the data [0061].

Regarding Claim 3, McKelvie teaches the data management system structures data according to the context in which the data was generated [0003].

Regarding Claim 4, McKelvie teaches the tool provides links to enterprise leadership priorities [0005][0008].

Regarding Claim 5, McKelvie teaches the tool performs communications tasks substantially simultaneously with reminding a user associated work priorities [0001][0080].

Regarding Claim 6, McKelvie teaches the tool automatically stores contextual information [0033] relating to an item of communication and utilizes that contextual information in performance of communication tasks [0104].

Regarding Claim 7, McKelvie teaches the tool integrates two or more different applications into a common application, the different applications comprising telephony, unified messaging, decision support, document management, portals, chat, collaboration, search, vote, relationship management, calendar, personal information management, profiling, directory management, executive information systems, dashboards, cockpits, tasking, meeting and, web and video conferencing[0108] [0041].

Regarding Claim 8, McKelvie teaches defines relationships between and among complex collections of data [0129].

Regarding Claim 9, McKelvie teaches the tool automates workflow between and among multiple entities [0035].

Regarding Claim 10, McKelvie teaches the tool facilitates data storage using at least one of relational and object storage methodologies [0041].

Regarding Claim 11, McKelvie the tool facilitates collaboration among a plurality of users across a plurality of projects, the tool dynamically assigns at least one

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communications tool to at least one of the plurality of projects (Figure 3).

Regarding Claim 12, McKelvie teaches at least one communications tool includes one or more of e-mail, voicemail, fax, teleconferencing, instant message, chat, contacts, calendar, task, notes, news, ideas, vote, web and video conferencing, and document sharing [0104].

Regarding Claim 13, McKelvie teaches the tool includes a plurality of applications, wherein at least one of the plurality of applications includes file storage pointers that are dynamic, and associated initially with a board within which the at least one application is launched [0370].

Regarding Claim 14, McKelvie teaches, the board storage pointers can be acted upon from another board by the same application (Figure 3).

Regarding Claim 15, McKelvie teaches a computer [0010].

Regarding Claim 16, McKelvie teaches computer executable [0061].

Regarding Claim 17, McKelvie teaches data storage is encrypted [0096].

Regarding Claim 18, McKelvie teaches ... tracking component that tracks a change of the user from the first context to a second context, and automatically associates at least a portion of the context information with the second context [0407] [0132].

Regarding Claim 19, McKelvie teaches ... collection of data and application functionality related to a user-defined topic [0073].

Regarding Claim 20, McKelvie teaches a web [0040] that is a collection of interrelated boards, the web maintains the location of data of the respective boards when one or more of the interrelated boards are moved into a different board interrelationship, whether within the web or to another web ...[00056] [0132] .

Regarding Claim 21, McKelvie teaches the context information includes a relationship between a user and at least

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one of an application, application data, and user environment
[0129].

Regarding Claim 22, McKelvie teaches the context
component captures context information of the first context and
context information related to one or more other contexts
[0040].

Regarding Claim 23, McKelvie teaches the context
information of the one or more other contexts is at least one of
stipulated by the user, and suggested automatically by the
system based upon various search and association criteria set by
the user [0040].

Regarding Claim 24, McKelvie teaches data created in the
first context can be associated with data created in the second
context [0002][0101] .

Regarding Claim 25, McKelvie teaches context information
is tagged to data when the data is created [0045].

Regarding Claims 27-31, these claims are similar in scope

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to the rejected claims above and are therefore rejected as set forth above.

Regarding Claim 32, McKelvie using a browser [0079].

Regarding Claim 33, McKelvie TCP/IP communication protocol [0049].

Regarding Claim 34, McKelvie teaches a URL address [0407].

Regarding Claim 35, McKelvie teaches a portable wireless device [0073].

Regarding Claim 36, McKelvie teaches providing a plurality of user environments ... traversing the collections of the user environments with one or more of the applications to locate the data associated ... [0040].

Regarding Claim 37, McKelvie teaches webslice that includes traversal information for locating the data associated with a given user environment [0040].

Regarding Claim 38, McKelvie teaches ... a collection ID , a user environment ID, and a routing path to the location of the environment data [0096][0306] .

Regarding Claim 39, McKelvie teaches data carry both hierarchical and non-hierarchical associations simultaneously within the applications (Figure 3).

Regarding Claims 40-41, these limitations of this claim is similar in scope to the rejected claims above. In addition, McKelvie tracking movement of the user from the user environment to a second user environment; and associating at least one of the data and the application with the second user environment such that the user can employ the application and data from the second environment [0117].

Regarding Claims 42-43, McKelvie teaches ... user interface [0077].

Regarding Claim 44, McKelvie teaches the data management information includes... an interface for accessing an application that facilitates at least one of telephony, unified messaging, decision support, document management, portals, chat, collaboration, search, vote, relationship management, calendar,

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personal information management, profiling, directory management, executive information systems, dashboards, cockpits, tasking, meeting and, web and video conferencing [0077] [0368].

Other Prior Art Made of Record

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions. Examiners advises the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site (www.uspto.gov), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

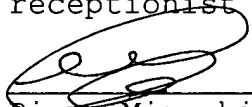
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is 571-272-4079. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4083. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 305-3900 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Diane Mizrahi
Primary Patent Examiner
Technology Center 2100

May 30, 2005